

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOHN DOE

Plaintiff,

v.

TEXAS A&M UNIVERSITY,
MR. JOHN JUNKINS,
(in his official capacity as Interim
President)

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 20-4332

**PLAINTIFF JOHN DOE’S
NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE AGAINST
DEFENDANTS TEXAS A&M UNIVERSITY AND MR. JOHN JUNKINS**

Plaintiff John Doe files this notice of voluntary dismissal, without prejudice, of all claims against Defendants Texas A&M University and Mr. John Junkins.

Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(i), this notice constitutes effective dismissal of Doe’s claims against Defendants, because this notice is filed before Defendants filed a responsive pleading to Doe’s Complaint or amended complaint. *See Yesh Music v. Lakewood Church*, 727 F.3d 356, 359 (5th Cir. 2013) (“Rule 41a(1) on its face grants a plaintiff an unconditional right to dismiss his complaint by notice *and without order* of the court at any time prior to the defendant’s service of an answer or motion for summary judgment.”) (emphasis added).

Plaintiff Doe accordingly requests the Court take notice of his dismissal of all claims, without prejudice, against Defendants Texas A&M and Mr. John Junkins.

Dated: January 29, 2021

Respectfully submitted,

JONES WALKER LLP

/s/ Dan L. Cogdell

DAN L. COGDELL—Attorney in Charge

Texas Bar No. 04501500

Email: dcogdell@joneswalker.com

NICHOLAS H. NORRIS

Texas Bar No. 24090810

Email: nnorris@joneswalker.com

811 Main Street, Suite 2900

Houston, TX 77002

Tel (713) 437-1869

Fax (713) 437-1810

AVERY B. PARDEE

La. Bar No. 31280—*admitted pro hac vice*

Email: apardee@joneswalker.com

201 St. Charles Avenue

New Orleans, LA 70170

Tel (504) 582-8358

Fax (504) 582-8358

- and -

SERGI AND ASSOCIATES, P.C.

/s/ David K. Sergi

DAVID K. SERGI

Texas Bar No. 18036000

Federal Bar No. 755

Email: david@sergilaw.com

KATHERINE FRANK

Texas Bar No. 24105630

Email: katie@sergilaw.com

329 S. Guadalupe St.

San Marcos, TX 78666

Tel. (512) 392-5010

Fax. (512) 392-5042

Counsel for Plaintiff John Doe

CERTIFICATE OF SERVICE

I certify that on January 29, 2021, I electronically filed this motion with the Clerk of the Court using the CM/ECF system, which will provide notification of the filing to counsel for all parties.

/s/ Dan Cogdell
Dan Cogdell